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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,462	12/30/2003	Joshua D. Petersen	306394.01	3948

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EXAMINER
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DEBROW, JAMES J

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/749,462	Applicant(s) PETERSEN ET AL.	
	Examiner James J. Debrow	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/30/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/05/04; 3/22/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS dated 12/05/2005</u> .             |

### DETAILED ACTION

1. This action is in responsive to communications: Application filled on 12/30/2003.
2. Claims 1-24 are pending in this case. Claims 1, 10, and 19, are independent claims.

### *Information Disclosure Statement*

3. The information disclosure statements filed **3/22/2004, 4/05/2004, and 12/05/2005** fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, and 10, are rejected under 35 U.S.C. 102(b) as being anticipated by Herz et al. (Patent No.: 5,754,939; Date of Patent: May 19, 1998).**

In regards to independent claims 1, and 10, Herz et al. discloses a system that automatically selects *articles* of interest to a user. The system generates sets of search profiles (*user profiles*) for each user based on such attributes as the relative frequency of occurrence of words (*storing identified keywords*) in the *articles* read by the user (*identifying keywords in articles displayed on web pages viewed by the user*), and uses these search profiles to efficiently identify future *articles* of interest (column 78, lines 37-42). Attributes may include, but are not limited to, long pieces of text such as a newspaper story, a movie review, a product description, or an *advertisement* (column 6, lines 21-23). Herz et al. also disclose, each user terminal, and the information server have phone numbers or IP address on the network, which enables a data communication link to be established between a particular user terminal and the selected information server (*identifying a user accessing a web site*) (column 29, lines 6-10 Fig. 1; Fig 2). Herz et al. further disclose, the most widely used method of

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information retrieval are based on *keyword* matching: the user specifies a set of *keywords* which the user thinks are exclusively found in the desired articles, and the information retrieval computer (*web server*) retrieves all articles (*advertisements*) which contains those *keywords* (column 2, lines 42-47).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2 – 9, and 11 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (Patent No.: 5,754,939; Date of Patent: May 19, 1998), in view of Reilly et al. (Patent No.: 5,740,549; Date of Patent: Apr. 14, 1998).**

**In regards to independent claim 19,** Herz et al. discloses a system that automatically selects *articles* of interest to a user. The system generates sets of search profiles (*user profiles*) for each user based on such attributes as the relative frequency of occurrence of words (*storing identified keywords*) in the *articles* read by the user (*identifying keywords in articles displayed on web pages viewed by the user*), and uses these search profiles to efficiently identify future *articles* of interest (column 78, lines 37-42). Attributes may include, but are not limited to, long pieces of text such as a newspaper story, a movie review, a product description, or an *advertisement* (column 6, lines 21-23). Herz et al. also disclose, each user terminal, and the information server have phone numbers or IP address on the network, which enables a data communication link to be established between a particular user terminal and the

selected information server (*identifying a user accessing a web site*) (column 29, lines 6-10 Fig. 1; Fig 2). Herz et al. further disclose, the most widely used method of information retrieval are based on *keyword* matching: the user specifies a set of *keywords* which the user thinks are exclusively found in the desired articles, and the information retrieval computer (*web server*) retrieves all articles (*advertisements*) which contains those *keywords* (column 2, lines 42-47).

Herz et al. does disclose expressly, *a computer readable medium having computer executable instructions stored thereon for performing a method of selecting textual advertisements for displaying on a web page based on user history.*

However, Reilly et al, discloses an information and advertising distribution system. Reilly et al, discloses advertising/content mixture from contexts, such as newspaper and television have been simply replicated on the Internet. Reilly et al, further discloses there are examples of computer programs which contain advertisements. It has been established, and is well known in the art, that computer programs are typically embodied on a computer readable medium such as a CD-ROM or disk.

Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Reilly et al. with Herz et al., for the benefit of providing a computer readable medium having computer executable instructions stored thereon for performing a method of selecting textual advertisements for displaying on a web page, to obtain the invention as specified in the claim(s).

**In regards to dependent claims 2, 11, and 20**, Herz et al. discloses the most widely used method of information retrieval are based on *keyword* matching: the user specifies a set of *keywords* which the user thinks are exclusively found in the desired articles, and the information retrieval computer (*web server*) retrieves all articles (*advertisements*) which contains those keywords (column 2, lines 42-47).

Herz et al. does disclose expressly, *a computer readable medium having computer executable instructions stored thereon for performing a method of assigning keywords to advertisements*.

However, Reilly et al, discloses an information and advertising distribution system. Reilly et al, discloses advertising/content mixture from contexts, such as newspaper and television have been simply replicated on the Internet. Reilly et al, further discloses there are examples of computer programs which contain advertisements. It has been established, and is well known in the art, that computer programs are typically embodied on a computer readable medium such as a CD-ROM or disk.

Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Reilly et al. with Herz et al., for the benefit of providing a computer readable medium having computer executable instructions stored thereon for performing a method of assigning keywords to advertisements that are stored in the user profile, to obtain the invention as specified in the claim(s).



**In regards to dependent claims 3, 12, and 21,** Herz et al. discloses numerous patents address information retrieval methods (column 4, line 4). Herz et al further disclose U.S. Patent No. 5,321,833 issued to Chang et al. teaches a method in which the user choose terms to use in information retrieval query, and specify the relative *weightings* of the different terms (*keywords*). The Chang system then calculates multiple levels of weighting criteria (*weights to keywords stored in user profile*) (column 4, lines 13-17).

Herz et al. does disclose expressly, *a computer readable medium having computer executable instructions stored thereon for performing a method of assigning weights to keywords stored in the user profile.*

However, Reilly et al, discloses an information and advertising distribution system. Reilly et al, discloses advertising/content mixture from contexts, such as newspaper and television have been simply replicated on the Internet. Reilly et al, further discloses there are examples of computer programs which contain advertisements. It has been established, and is well known in the art, that computer programs are typically embodied on a computer readable medium such as a CD-ROM or disk.

Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Reilly et al. with Herz et al., for the benefit of providing a computer readable medium having computer executable instructions stored thereon for performing a method *of assigning weights to keywords stored in the user profile, to obtain the invention as specified in the claim(s).*

**In regards to dependent claims 4, and 13,** Herz et al. discloses in most domains, the user's interest may change over time (*time elapse*), and therefore, estimates (*weights*) of topical interest that derive from more recent feedback should be weighted more heavily column 19, lines 39-42).

**In regards to dependent claims 5, 14, and 22,** Herz et al. discloses numerous patents address information retrieval methods (column 4, line 4). Herz et al further disclose U.S. Patent No. 5,321,833 issued to Chang et al. teaches a method in which the user choose terms to use in information retrieval query, and specify the relative *weightings* of the different terms (*keywords*). The Chang system then calculates multiple levels of weighting criteria (*weights to keywords assigned to the advertisement*) (column 4, lines 13-17).

Herz et al. does disclose expressly, *a computer readable medium having computer executable instructions stored thereon for performing a method of assigning weights to keywords assigned to the advertisement.*

However, Reilly et al, discloses an information and advertising distribution system. Reilly et al, discloses advertising/content mixture from contexts, such as newspaper and television have been simply replicated on the Internet. Reilly et al, further discloses there are examples of computer programs which contain advertisements. It has been established, and is well known in the art, that computer programs are typically embodied on a computer readable medium such as a CD-ROM or disk.

Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Reilly et al. with Herz et al., for the benefit of providing a computer readable medium having computer executable instructions stored thereon for performing a method *of assigning weights to keywords stored assigned to the advertisement, to obtain the invention as specified in the claim(s).*

**In regards to dependent claims 6, 15, and 23,** these claims contain substantially similar subject matter as in claims 3, 5, 12, and 14, and therefore, are rejected along the same rationale.

**In regards to dependent claims 7, and 16,** Herz et al. discloses association-based clustering, in which cluster target objects are based on the similarity of the user who like them, or cluster users are based on the similarity of target objects they like. The system does not need any information about target objects or users, except for their history of interaction with each other (column 23, lines 46-54). Herz et al. further disclose a cryptographically based proxy server is provided to ensure the privacy of a user's target profile summary, by giving the user control over the ability of third parties to access this summary and to identify or contact the user (column 1, lines 38-41).

**In regards to dependent claims 8, and 17,** Herz et al. discloses a user profile for holding user attributes, including age, zip code, etc. (sex, and/or income) (column 4, lines 54-55).

**In regards to dependent claims 9, 18, and 24,** Herz et al. discloses U.S. Patent No. 5,301,109 issued to Landauer et al. teaches a method for retrieving articles in a multiplicity of languages by constructing "latent vectors" (SVD or PCA vectors), which represent correlations between the different words (column 4, lines 18-21).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Debrow whose telephone number is 571-272-5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Debrow  
Examiner  
Art Unit 2176

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*2/4/2006*